

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P. MARBURGER)	
<i>Trustee of the Olive M. Marburger Living</i>)	2:15cv910
<i>Trust, and THIELE FAMILY, LP,</i>)	Electronic Filing
)	
Plaintiffs,)	Judge David Stewart Cercone
)	Magistrate Judge Cynthia Reed Eddy
v.)	
)	
XTO ENERGY INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

The present action was filed with this Court on July 14, 2015. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

Defendant XTO Energy Inc. submitted a motion to dismiss for failure to state a claim [ECF No. 8] on September 21, 2015. The Magistrate Judge's Report and Recommendation [ECF No. 20] filed January 26, 2016 recommended that the motion to dismiss filed on behalf of Defendant be denied. Service of the Report and Recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until February 9, 2016 to file any objections. As of this date, no objections have been filed.

Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 17th day of February, 2015, IT IS HEREBY ORDERED that Defendant XTO Energy Inc.'s motion to dismiss for failure to state a claim [ECF No. 8] is DENIED. Defendant shall file an Answer by March 9, 2016.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 20] of Magistrate Judge Cynthia Reed Eddy is hereby adopted as the Opinion of the District Court.



David Stewart Cercone
United States District Judge

cc: Honorable Cynthia Reed Eddy
United State Magistrate Judge
David A. Borkovic, Esquire
Kevin C. Abbott, Esquire
Nicolle R. Snyder Bagnell, Esquire
Justin H. Werner, Esquire

(Via CM/ECF Electronic Mail)